

REMARKS

This Amendment, filed in reply to the Office Action dated December 14, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-6 and 8-24 are all the claims pending in the application.

Claims 1-6 and 8-24 remain pending the application. Claims 9, 12 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Spaulding et al. (U.S.P. 6,269,184) in view of Kakutani (U.S.P. 6,215,561). Claims 15, 18 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Spaulding et al. and Kakutani and further in view of Takizawa et al. (U.S.P. 5,625,762). Claims 1-6, 8, 10-11, 13-14, 16-17, 19-20 and 22-23 have been allowed. While gratefully acknowledging the allowability of certain claims, Applicant respectfully submits the following arguments in traversal of the prior art rejections.

The Examiner has supplied a new reference, Kakutani, to support a rejection of independent claim 9 based on 35 U.S.C. § 103. However, the Examiner's rationale for the rejection is premised primarily on the teachings of Spaulding as set forth in the prior Office Action of April 1, 2005. The Examiner has also failed to rebut any of the arguments regarding the deficiencies of Spaulding as set forth in the primary argument of the Amendment dated October 3, 2005. Therefore, Applicant submits that the first, primary argument is still

appropriate, as set forth below. Additional arguments based on the new rejection are also traversed as follows.

First, the Examiner's continued reliance on the descriptive Figs. 5A-5C as teaching the claimed image display section is not supportable. Claim 9 describes that the image display displays a color reproduction range in which there are plotted coordinate points on the second color space with coordinates within a range of a range determination device, and the first color space is partitioned as a lattice. A primary defect with the Examiner's rejection is that none of the Figs. 5A-5C is displayed. The mere fact that there is a user intervention during the color conversion does not require the display of Figs. 5A-5C. These figures merely illustrate constrained (solid dot) points and non-constrained points (non-solid points) that occur in the color space. However, the user intervention is provided through a display that resembles Fig. 3, not Figs. 5A-5C.

Second, claim 9 describes the second color space as a device-independent space. To the extent that the Examiner relies upon Figs. 5A-5C as teaching display features of the color conversion, it is clear that Figs. 5A-5C relate to CMY, which is a device-dependent space.

Third, the Examiner's motivation to combine Spaulding with Kakutani is not supportable. The Examiner contends that the use of the lattice allows the input color to be made identical with an output image. However, in Spaulding, certain of the selected portions of the image will deliberately be moved off of a lattice point. Col. 7, lines 50-55. If a user selects a position of node 70 (on lattice) as an input and then selects a corresponding point 72 (off-lattice) as the

output, it is clear that the lattice does not contribute to an identity of color. Therefore, the Examiner's basis for the combination does not appear to be correct.

Fourth, the Examiner notes that the color output to a printing medium is a device-independent space. One skilled in the art would understand that the output to a medium would be provided via a device dependent space. Therefore, the Examiner's rational also fails on this basis.

With regard to claims 12, 15, 18, 21, and 24, Applicant submits that these claims are patentable based on their dependency. None of the additional references make up for the above deficiency of Spaulding and Kakutani.

With further regard to claim 24, this claim describes a distance between lattice points. The Examiner relies on Fig. 5B (arrow) of Spaulding to teach this feature. However, there is no explicit teaching that the point indicated by a cross point (at the head of the arrow) is a lattice point. Therefore, claim 24 is patentable for this additional reason.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
Appln. No.: 09/964,337

Attorney Docket No.: Q66004

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan Perng Pan
Registration No. 41,239

Date: June 12, 2006